



Robert K. Kry
MoloLamken LLP
The Watergate, Suite 500
600 New Hampshire Avenue, N.W.
Washington, D.C. 20037
T: 202.556.2011
F: 202.556.2001
rkry@mololamken.com
www.mololamken.com

January 8, 2024

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall Courthouse
40 Foley Square, Room 430
New York, NY 10007

BY ECF

Re: *In re Terrorist Attacks on September 11, 2001*, No. 1:03-md-1570 (S.D.N.Y.)

Dear Judge Netburn:

Dallah Avco respectfully submits this reply in support of its December 29, 2023 joinder in Saudi Arabia's motion to strike (Dkt. 9501) and in response to plaintiffs' opposition (Dkt. 9505). As Dallah Avco explained, plaintiffs egregiously circumvented this Court's page limits by filing a 563-page averment of facts in support of their 40-page opposition brief and then referencing large sections of that averment en masse in the brief. Plaintiffs' repeated refrain that their averment is so long because they have so much evidence ignores the fact that quality, not quantity, is the more relevant metric here. This Court will search plaintiffs' averment in vain — it will take a while — for any evidence that Dallah Avco *knew* that Al Bayoumi was in the United States to support terrorists or engage in any other illegal conduct. There is none.

The whole point of this Court's page limits was to require the parties to distill their evidence and focus the Court's attention on what actually matters. Instead, plaintiffs submitted a blunderbuss 563-page averment supported by 100 GB of exhibits on a hard drive that includes, among several hundred others, the FBI's *entire* EO document production as a single "Exhibit 2." Dallah Avco maintains that this was an abuse of the briefing process. The fact that plaintiffs felt compelled to file a *five* page response to Dallah Avco's *one* page joinder letter only underscores their overall approach to this case.

We will not belabor these points. If the Court is inclined to grant relief to the Kingdom, Dallah Avco respectfully requests corresponding relief. If not, Dallah Avco looks forward to addressing plaintiffs' sprawling yet meritless submission in an appropriately sized reply.

Respectfully submitted,

Robert Kry

cc: All counsel by ECF